

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD SOUTHERTON,

Plaintiff,

v.

BOROUGH OF HONESDALE, *et al.*,

Defendants.

NO. 3:17-CV-0165

(JUDGE CAPUTO)

**ORDER**

NOW, this 18<sup>th</sup> day of May, 2018, **IT IS HEREBY ORDERED** that:

- (1) Plaintiff's Motion for Leave to File a Third Amended Complaint (Doc. 55) to allow him to proceed with a breach of contract claim is **DENIED**.
- (2) Defendants' Motion to Strike the Breach of Contract Claim in Plaintiff's Third Amended Complaint (Doc. 53) is **GRANTED**. Count V is **STRICKEN** from Plaintiff's Third Amended Complaint.
- (3) Defendants shall answer or otherwise respond to Plaintiff's Third Amended Complaint (Doc. 52) within **twenty-one (21) days** from the date of entry of this Order.

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge